



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Federal Docket Management System

This directive-type memorandum establishes Department of Defense (DoD) policy and guidance for specific actions required for the management and operation of the Federal Docket Management System (FDMS) module of the eRulemaking Initiative. It is issued pursuant to my designation as the DoD Regulatory Policy Officer responsible for monitoring regulatory activities within the Department of Defense to ensure uniform compliance with the implementation of executive and legislative requirements. The E-Government Act of 2002 (Public Law 107-347, 44 U.S.C. Ch 36) is a significant step forward in the way that federal agencies should consider using information technology to transform agency business into a more citizen-oriented and user-friendly process.

The FDMS will be used by the federal agencies to manage their electronic rulemaking and non-rulemaking dockets. Consistent with Section 206 of the E-Government Act of 2002, agencies are expected to make their public regulatory dockets electronically accessible and searchable using Regulations.gov, the federal rulemaking Web site. Agencies are also expected to accept electronic submissions to the online dockets. The Office of Management and Budget (OMB) has mandated that agencies will be required to use FDMS for all rulemaking actions. Since June 2003, DoD has partnered with other federal agencies in developing FDMS; implementation of this web-based application within DoD was accomplished in December 2005. The Executive Services Directorate (ESD), Washington Headquarters Services, is the designated Lead Agent for eRulemaking and FDMS for DoD. ESD will act as Departmental Agency Administrator for FDMS to coordinate management activities with the government-wide Program Management Office, participate on the inter-agency advisory board, and represent DoD on the FDMS Change Control Board.

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It shall be DoD policy to use FDMS for centralized docket creation and management in the rulemaking process. DoD Components shall establish regulatory dockets for posting rules and other supporting materials using FDMS to the Regulations.gov Web site to enable the public to comment electronically. Until FDMS implements full records management functionality, the DoD Components must take special precautions to ensure the integrity of their records in FDMS.

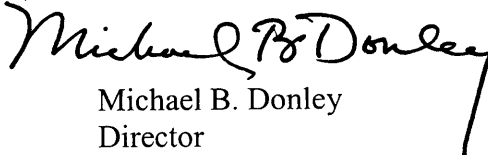
This guidance applies to all DoD Components engaged in rulemaking activities, hereby designated as DoD regulatory entities. These entities are: the Office of the Secretary; the Defense Acquisition Regulations System Directorate for acquisition regulations in the Office of the Secretary; the Department of the Army; the Army Corps of Engineers; the Department of the Navy; and, the Department of the Air Force. The DoD regulatory entities shall actively utilize FDMS to post all regulatory actions. These are substantive agency actions, normally published in the *Federal Register*, that promulgate or are expected to lead to the promulgation of a final rule or regulation, including advance notices of proposed rulemaking, notices of proposed rulemaking, and interim rulemakings. Since a docket can be a repository of program information not related to rulemaking, FDMS was developed to include agency notices published in the *Federal Register* that have a public comment period. DoD regulatory entities will create dockets for notices as appropriate and practicable. Dockets will be established for information collection requests submitted for approval to OMB under the Paperwork Reduction Act of 1995 and include all supporting documents and required *Federal Register* notices.

The FDMS uses role-based access, with a specific level of access to manage the regulatory docket. The Departmental Agency Administrator will designate a FDMS Sub-agency Administrator within each regulatory entity responsible for maintaining specific configurations and user administration for their regulatory process. Each FDMS Sub-agency Administrator designates one or more docket managers responsible for creating dockets and managing work assignments, creating and managing documents, and posting documents and public comments to the public on Regulations.gov. The Sub-agency Administrator will ensure that FDMS is used to post all rulemaking actions and other *Federal Register* notices, as appropriate, to Regulations.gov and meet established government-wide criteria adopted. The operation of FDMS is an additional requirement for rulemaking activities. The *Federal Register* process and OMB review of regulatory actions under Executive Order 12866, *Regulatory Planning and Review*, remain in effect. A regulatory entity can establish a formal memorandum of agreement with ESD to manage and operate FDMS for its rulemaking activities.

The regulatory entities must take special precautions to ensure the integrity of their records in FDMS. Work processes relating to creation, receipt, maintenance, and management of the records in the rulemaking dockets need to be explicitly addressed in business rules so that appropriate records are captured and managed. All public comments become part of the official docket file and should generally be posted to the Regulations.gov site, whether received by electronic submission through FDMS or by paper submission through the mail. The National Archives and Records Administration developed an "ADDRESSES" template for use when drafting *Federal Register* documents that offer the public the opportunity to comment directly to the appropriate rulemaking dockets. The template may be modified by the rulemaking entities as

required. The template used in rules for which ESD manages the dockets is attached as an example.

These guidelines are effective immediately and will be incorporated into a DoD issuance within 180 days. My point of contact for this action is Mr. Robert Cushing, Lead Agent for eRulemaking, Executive Services Directorate, 703-696-5282.



Michael B. Donley
Director

Attachment:
As stated

FEDERAL REGISTER TEMPLATE

Use this Federal Register “ADDRESSES” template for the Regulations.gov eRulemaking Initiative when drafting regulatory actions or notices that offer opportunity for public comments. This template is modified from the National Archives and Records Administration guidance of November 7, 2005.

This format will facilitate public participation in rulemaking according to the President’s eRulemaking Initiative, and implements Section 206 of the E-Government Act of 2002, P.L. 107-347, 116 Stat. 2915.

Public submissions will only be accepted electronically via the eRulemaking Portal or by paper submission to the mailing address below. Fax or E-mail submissions will not be accepted.

The template:

ADDRESSES: You may submit comments, identified by docket number and or RIN number and title, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://regulations.gov> as they are received without change, including any personal identifiers or contact information.